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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/077,667	02/15/2002	Allon G. Englman	47079-0127	2996
30223	7590	09/22/2006	EXAMINER	
JENKENS & GILCHRIST, P.C. 225 WEST WASHINGTON SUITE 2600 CHICAGO, IL 60606			HSU, RYAN	
			ART UNIT	PAPER NUMBER
			3714	

DATE MAILED: 09/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Interview Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/077,667	ENGLMAN, ALLON G.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Ryan Hsu	3714	

All participants (applicant, applicant's representative, PTO personnel):

(1) Ryan Hsu. (3) \_\_\_\_\_

(2) Daniel Burnham. (4) \_\_\_\_\_

Date of Interview: 01 September 2006.

Type: a) ☒ Telephonic b) ☐ Video Conference  
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.  
If Yes, brief description: \_\_\_\_\_

Claim(s) discussed: 1 and 16.

Identification of prior art discussed: Claypole and Walker.

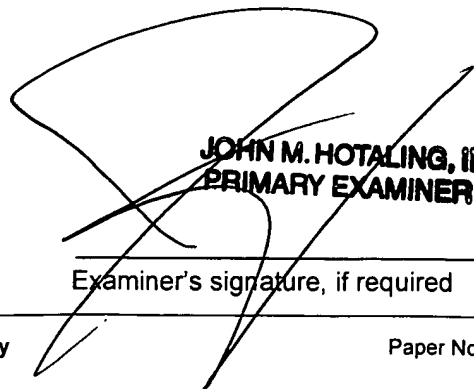
Agreement with respect to the claims f) ☐ was reached. g) ☐ was not reached. h) ☒ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

  
**JOHN M. HOTALING, II**  
**PRIMARY EXAMINER**

Examiner's signature, if required

## Summary of Record of Interview Requirements

### Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

### Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

#### Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

#### 37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,  
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

### Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Applicant's representative requested a discussion of the merit of the claims and stated that Examiner's reply contained errors that effected applicant's ability to reply to the Office action. Examiner tried to explain to the applicant the position of the office action as follows: With regard to claim 1, Claypole teaches of conducting a wagering game on a gaming machine that receives wagers towards a series of plays of a basic portion of the game. Claypole is directed towards a machine that generates random outcomes for each play of the game. Furthermore, Claypole provides an accumulation feature that accumulates elements of the game over a plurality of the plays in the series. With respect to Claypole, the series of plays, refers to the accumulation ladder game as taught by trails 348', 350', and 352'. However, Claypole as pointed out in the office action dated 5/3/06 did not disclose the element of block wagering, which encompassed the limitations "receiving a single wager from a player to purchase a series of plays of a basic portion of the game, the single wager being allocated to the entire series of plays and not being associated with any one of the series of plays and in response to the single wager, providing the player with the series of plays. As explained by the Examiner, Walker is directed towards the idea of block wagering where a user is offered a play of a series of games for the amount of a single wager or flat rate. Since Walker is directed towards a common method of wagering system found in tournament settings and Claypole is directed towards the features found in an accumulation game, the two were combined under the motivation that it would be obvious to one of ordinary skill in the art at the time of the invention to implement the flat rate price betting method commonly found in gaming tournaments into the slot machine of Claypole in order to increase its appeal to the users that enjoy the method of slot machine tournament play. With regard to applicant's amended claim 16, the Applicant contends that the claim has not been addressed. However, Examiner has stated that although the limitation was not specifically expressed the limitation that "a single wager is an amount that is independent of the player playing the wagering game" does not make it patentably distinct from the prior art nor is it not obvious to one in the gaming arts at the time the invention was made. Simply stated, the limitation is directed towards the idea that a single wager can be any amount. Furthermore, under more thorough analysis, there is no support for the idea in the specification for the idea the applicant is directing the limitation towards. Additionally, the amended limitation as currently stated in itself is contradictory to the idea the applicant is stressing since the single wager as stated in the independent claim is received from a player to purchase a series of plays but then is an amount that is independent of the player playing the wagering game. If so, the wagering amount is either an amount made by the player playing the game or it is an amount that is separate from the player playing the wagering game. The two instances may not co-exist at the same time. Examiner believes that the applicant's idea is directed more towards the idea of wherein the single wager amount is independent of a player's status that is playing the wagering game. However, this idea still is deficient in the original specification. Another point was discussed with regard to the Examiner's "Response to Arguments" section. With regard to Claypole, Examiner states while explaining the interpretation of the applicant's claims that Claypole was brought in to teach "a method of conducting a wagering game that included a basic game and a bonus game. The bonus game provided the accumulation feature that accumulates an element of the game over a plurality of the plays in the series as specified by the scope of the claim. Additionally, the basic game provided the reception of a single wager from the player wherein the single wager was allocated to the entire [of] series of plays and not being series of play (ie: the bonus game accumulation element) and not being associated with any one of the series of plays (ie: a new series of plays with respect to the bonus game feature)". Examiner apologizes for the mis-printed sentence. The Examiner intention of the sentence was to point out the relationship of Claypole having a basic game that was played and a bonus game with an accumulation feature. Each bonus game played was a series of plays that the 'single wager' from the basic game was associated with. Examiner has clarified this issue in order to explain the point of the Examiner's argument. Finally, the applicant contends that due to the deficiencies explained and arguments presented above applicant's representative has requested a reset of the statutory period. However, according to MPEP 710.06 applicant is no longer eligible for the reset or restart of the reply period since it is almost 4 months since the Examiner's rejection was sent out of the office. Examiner did state that due to personal circumstances that he was unable to receive the applicant's original inquiries on this matter but even so that was from a period around late July to Early August. That leaves an extension period of only one to two weeks if the period is reset according to the specifications of the MPEP. Examiner has taken this under notice and has told the applicant's representative that this will be brought up with his supervisor and will be discussed further. However, the deficiencies of the action have been explained and clarified through this Summary and through the Interview.